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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,995	06/26/2003	Chetan Jain	10.0444	4759
22474	7590	06/27/2007		
CLEMENTS WALKER 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/603,995

Applicant(s)

JAIN ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 29-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/5/2007. The traversal was not persuasive.

### ***Drawings***

2. The drawings are objected to because Figure 10 is illegible and contains handwritten item descriptors, and Figure 7 is illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The use of multiple trademarks has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 101***

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4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15-28 are directed towards a computer readable medium. Applicant defined "computer-readable medium" to encompass "non-volatile media, volatile media, and transmission media...Transmission media can also take the form of acoustic or electromagnetic waves, such as those generated during radio-wave, infra-red, and optical data communications." Applicant has specifically defined computer readable media to encompass non-statutory embodiments. See Annex IV of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant failed to provide any information within the specification to describe "Version Independent (VINI) functionality".

***Requirement for Information***

8. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
9. The information is required to complete the background description in the disclosure by documenting the Version Independent (VINI) functionality.

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10. Applicant is required to submit any information concerning the Version Independent (VINI) functionality. Applicant is required to state if the claimed Version Independent (VINI) functionality is related to the VINI standard. See enclosed documentation from <http://www.vini-veritas.net>.

11. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

12. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by McPartlan et al. (US 5,822,569).

15. In regard to claims 1, 15, McPartlan disclosed:

*executing a core application, the core application comprising NE element-independent Version Independent (VINI) functionality that can be invoked to interact with any network element;*  
column 3, line 22

*receiving an indication of a particular network element to be managed;* column 3, line 32  
*obtaining a description of the particular network element, which specifies one or more characteristics of the particular network element;* column 3, lines 31-35

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*accessing, based upon the description, a set of one or more element-dependent modules, the set of element-dependent modules comprising functionality for invoking one or more management services provided by the particular network element; column 8, lines 55-67 and dynamically incorporating at least a portion of the set of element-dependent modules with the core application to derive a management system capable of managing the particular network element. Column 9, line 64 – column 10, line 10*

16. In regard to claims 2, 16, McPartlan disclosed:

*the set of element-dependent modules comprises a first proxy corresponding to a first management service provided by the particular network element, the first proxy comprising functionality for converting a generic service invocation from the core application into a specific invocation of the first management service. Column 4, lines 35-58; column 5, lines 19-25. The CMIP/SNMP mapper acts as the proxy between CMIP and SNMP*

17. In regard to claims 3, 17, McPartlan disclosed:

*the first proxy implements a common interface implemented by all proxies, and wherein the core application interacts with the first proxy via the common interface. Column 5, lines 19-25*

18. In regard to claims 4, 18, McPartlan disclosed:

*dynamically incorporating the set of element-dependent modules comprises:*

*instantiating the first proxy to give rise to a first proxy instance; column 5, lines 41-58 and*

*incorporating the first proxy instance with the core application. Column 5, lines 41-58*

19. In regard to claims 5, 19, McPartlan disclosed:

*the first proxy manages one or more managed object classes, and wherein the set of element-dependent modules further comprises the one or more managed object classes.*

*Column 5, lines 19-40*

20. In regard to claims 6, 20, McPartlan disclosed:

*dynamically incorporating the set of element-dependent modules comprises:*

*loading the one or more managed object classes. Column 4, lines 22-58*

21. In regard to claims 7, 21, McPartlan disclosed:

*each managed object class implements a second common interface implemented by all managed object classes. Column 4, lines 22-58*

22. In regard to claims 8, 22, McPartlan disclosed:

*each managed object class comprises functionality for converting a raw data type used by the first management service into a generic data type used by the core application. Column 4, lines 22-58*

23. In regard to claims 9, 23, McPartlan disclosed:

*each managed object class comprises functionality for converting a generic data type used by the core application into a raw data type used by the first management service. Column 4, lines 22-58*

24. In regard to claims 10, 24, McPartlan disclosed:

*the set of element-dependent modules comprises a service descriptor which provides a description of at least one particular management service provided by the particular network element, the service descriptor specifying one or more managed object classes managed by the particular management service. Column 4, lines 35-54*

25. In regard to claims 11, 25, McPartlan disclosed:

*the set of element-dependent modules comprises a user interface screen associated with a particular managed object class, and wherein the user interface screen comprises fields for rendering data corresponding to attributes of the particular managed object class. Column 3, lines 41-49. In order for the human operator to know what data is present in McPartlan, it must inherently be displayed on a user interface screen in the manner claimed.*

26. In regard to claims 12, 26, McPartlan disclosed:

*the set of element-dependent modules further comprises a screen descriptor associated with the user interface screen, the screen descriptor specifying a mapping between the fields of*

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*the user interface screen and the attributes of the particular managed object class. Column 3, lines 41-19. Column 4, lines 22-58.*

27. In regard to claims 13, 27, McPartlan disclosed:

*the characteristics of the particular network element comprise an indication of an element type, and an indication of an element version. Column 4, lines 35-54*

28. In regard to claims 14, 28, McPartlan disclosed:

*receiving an indication of a second network element to be managed; column 3, line 32  
obtaining a second description of the second network element, which specifies one or more characteristics of the second network element; column 3, lines 31-35*

*accessing, based upon the second description, a second set of one or more element-dependent modules, the second set of element-dependent modules comprising functionality for invoking one or more management services provided by the second network element; column 8, lines 55-67 and*

*dynamically incorporating at least a portion of the second set of element-dependent modules with the core application to derive a management mechanism capable of managing both the particular network element and the second network element. Column 9, line 64 – column 10, line 10.*

### **Conclusion**

29. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.  
"VINI: A virtual network infrastructure". <http://www.vini-veritas.net>. Accessed 6/18/2007.  
Bavier, A. et al. "In VINI Veritas: realistic and controlled network experimentation." Computer Communication Review. Vol. 36, No. 4, p. 3-14. ACM Press. October 2006.



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Tsai, Ching-Wun et al. "SNMP through WWW." International Journal of Network Management.

Volume 8, Issue 2. John Wiley and Sons. March 1998. 104-19.

Deri, Luca. "Desktop versus Web-based Network Management." International Journal of

Network Management. Vol. 9, Issue 6. December 1999. John Wiley and Sons. 371-78.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisory Patent Examiner  
Art Unit 2145

JRS

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